



POSTED: October 5, 2021

## CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

City of Warwick  
Planning Board Meeting  
Minutes  
August 11, 2021

**Members Present:** Benny Bergantino  
Steve Catalano  
Ashley Cullion  
Cynthia Gerlach  
Michael Penta  
Linda Polselli

**Members Absent:** Kevin Flynn  
Philip Slocum

**Also in Attendance:** Bruce Keiser, Planning Director/Administrative Officer  
Lidia Cruz-Abreu, Asst. Administrative Officer  
Lucas Murray, Asst. Principal Planner  
Eric Hindinger, Engineering Project Manager  
David Petrarca, Solicitor

Chairman Slocum called the meeting to order at 6:00 p.m.

The July 2021 meeting minutes were presented for review and approval. A motion was made by Mr. Catalano, seconded by Ms. Polselli, to approve the July 2021 Planning Board minutes, as amended. All in favor, with Mr. Bergantino abstaining.

**A. Public Hearing**  
**Major Subdivision**  
**Sprague-Covington Plat**  
**Combined Preliminary/Final Approval**

Location:	West Shore Road
Warwick Assessor's Plat:	336
Warwick Assessor's Lots:	199 & 200
Applicant:	Sprague Covington, LLC
Zoned:	A-10-Residential
Area:	3.2 acres
Ward:	4
Surveyor	Ocean State Planners, Inc.

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; Mr. Richard Bzdyra, PLS, Ocean State Planners, Inc., represented the Applicant who was seeking a combined Preliminary/Final Approval of a Major Subdivision. The Applicant proposed to subdivide (1) one 3.2 acre lot, to create (4) four lots; (1) one new 2.3 acre lot for Open Space Land Dedication to the City of Warwick; (1) one new 10,749, square foot lot with less than required frontage and lot width for the development of a single-family dwelling, (1) one new 13,454 square foot lot with less than required lot width for the development of a single-family dwelling; and (1) one new 12,819 square foot lot with less than required lot width for the development of a single-family dwelling; in an A-10 Residential Zoning.

The Applicant received a revised conditional Master Plan Approval at the regularly scheduled May 12, 2021 Planning Board meeting and Zoning Board of Review Approval, Petition No. 10711 at the June 8, 2021 meeting.

Mr. Catalano, made a motion, seconded by Ms. Polselli to open the public hearing. All in Favor, none opposed.

### **Planning Department Findings**

The Administrative Officer finds the proposal to be generally consistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City's Development Review Regulations, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*, as follows:

1. That the proposed development is generally consistent with the Comprehensive Community Plan 2033, which supports Moderate-Density Residential land uses in the general area; the proposal is generally consistent with the existing neighborhood, which consists of other single-family dwelling parcels within the 200' radius, and:
  - Chapter 12 of the City of Warwick Comprehensive Plan, specifically, the section entitled “Future Land Use, Zoning and Urban Design: Goals and Policies,” which promotes developments “*that are safe, attractive, well-maintained and stable... ones designed to “protect... and support...existing residential neighborhoods;”*
  - It further promotes... “*Public and private development that meet high standards of design by ensuring that proposed new residential development is compatible with the character of the surrounding area...*”

2. That the Subdivision, as proposed, is consistent with the standards and provisions of the City's Zoning Ordinance; having received Zoning Board of Review Approval, Petition No. 10711 for (1) one new 10,749, square foot lot (Parcel B) with less than required frontage and lot width for the development of a single-family dwelling, (1) one new 13,454 square foot lot (Parcel C) with less than required lot width for the development of a single-family dwelling; and (1) one new 12,819 square foot lot (Parcel D) with less than required lot width for the development of a single-family dwelling.
3. That there will be no significant negative environmental impacts from the proposed subdivision, having received RIHPHC Review and RIDOT-PAP Nos. 21-61, 21-62, and 21-63.
4. That the subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
5. That the subdivision possesses adequate access along West Shore Road.
6. That the development, as proposed, will have access to Municipal Sewer and Water.

#### **Planning Department Recommendations**

Planning Department recommendation is to grant a combined Preliminary/Final Approval, with the following stipulations:

1. That the Applicant shall amend the Final Development Plan and Record Plat to include the following:
  - Add Assessor's lot numbers as follows, 199, 200, 357 and 358
  - Hatch the Open Space access easement and note monumentation to clearly delineate the Open Space access easement
  - Add "In Perpetuity" to Parcel A.
  - Note backflow protection
2. That the Applicant shall provide a Deed to the City of Warwick designating Parcel A as an "Open Space Lot for Public Access" in perpetuity. Additionally, the Applicant shall provide a Deed for Parcel B which details the Open Space Access easement which shall note that the easement shall remain clear and unobstructed.
3. That, the Applicant shall provide an Improvement Guarantee, as a condition of the approval, equal to the installation value of the cost of fencing, landscaping, and monumentation.

4. That, prior to the issuance of a Certificate of Occupancy, the Applicant shall install all fencing, monumentation and landscaping, as depicted on the Final Development Plan/Record Plat.

Mr. Catalano, seconded by Ms. Polselli and Mr. Penta, made a motion to adopt the Planning Department Findings and to grant a combined Preliminary-Final Approval with the Planning Department Stipulations. All in favor, none opposed.

**B.     Public Informational Meeting**  
**Major Land Development**  
**2907 Post Road**  
**Conditional Master Plan Approval/Zone Change Recommendation**

Location:	2907 Post Road
Assessor's Plat:	267
Assessor's Lots:	202
Applicant:	RWR Real Estate Investment Group, LLC
Existing Zone:	Office (O) and A-7 Residential
Proposed Zone:	Office (O) and A-7 Planned District Residential (PDR)
Area:	30,774 square feet
Ward:	7
Surveyor	Ocean State Planners, Inc.

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; Mr. Richard Bzdyra, PLS, Ocean State Planners, Inc., represented the Applicant who was seeking a Conditional Master Plan Approval of a Major Land Development Project and a City Council Zone Change Recommendation. The Applicant requested Master Plan Approval and a Zone Change Recommendation from Office (O) and A-7 Residential to Office (O) and A-7 Planned District Residential (PDR). The Applicant is proposing to demolish the existing commercial Office building to allow for the development of an (8) eight unit multi-family residential development; with less than required land area, frontage, lot width, side-yard setbacks, and parking within 15' of a residential structure, in an Office (O) and A-7 Planned District Residential (PDR) Zoning District.

Mr. Catalano, seconded by Ms. Polselli, made a motion, to open the public informational meeting. All in Favor, none opposed.

**Planning Department Findings**

The Administrative Officer finds the proposal to be generally consistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City's Development Review Regulations, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*, as follows:

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**PLANNING DEPARTMENT • THOMAS KRAVITZ, DIRECTOR**  
**3275 POST ROAD • WARWICK, RI 02886 • 401-738-2009**

1. That the proposed development is generally consistent with the City's Comprehensive Plan, having established high-density residential uses within the 200' radius. Consistent with Chapter 12 of the City of Warwick Comprehensive Plan, specifically, the section entitled "Future Land Use, Zoning and Urban Design: Goals and Policies," which promotes developments *"that are safe, attractive, well-maintained and stable... ones designed to "protect... and support...existing residential neighborhoods;"*
  - It further promotes... *"Public and private development that meet high standards of design by ensuring that proposed new residential development is compatible with the character and of the surrounding area;"*
  - a. Chapter 12, Future Land Use, Section E, General Principles to Guide Future Land Use, Section H, Recommendations: Goal 6, Public and Provide Development Meets High Standards of Urban Design, Policy ....promote redevelopment of outmoded/blighted commercial or industrial properties.
  - b. Chapter 7 of the City of Warwick Comprehensive Plan addresses Housing and Neighborhoods, specifically within its "Recommendations" section lists as Goal 1, the City should work to provide *"a wide range of quality housing choices to meet the diverse needs of households at all income levels and all stages of the life cycle, by supporting the addition of compact housing types such as townhouses, lofts, apartments, cottage developments....."*
2. That the Project, as proposed, is NOT in compliance with the standards and provisions of the City's Zoning Ordinance and therefore requires a City Council Zone change from Office (O) and A-7 Residential to Office (O) and A-7 Planned District Residential (PDR) to allow for the development of an (8) eight unit multi-family residential development; with less than required land area, frontage, lot width, side-yard setbacks, and parking within 15' of a residential structure, in an Office and A-7 Planned District Residential, (PDR).
3. That, at the Master Plan Phase, the proposed development, does not appear that there will be significant negative environmental impacts from the proposed development. State Approvals are required at subsequent Phases in the Approval process.
4. That, at the Master Plan Phase, the development, as proposed, does not appear to result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. The Project will require all State Approval prior to the Preliminary Approval.
5. That the proposed project possesses adequate access along Post Road.
6. That the development, as proposed, will have access to Municipal Water and Sewer.

### **Planning Department Recommendations**

Planning Department recommendation is to grant Master Plan Approval, with the following stipulations:

1. That the Applicant shall submit a Preliminary Development Plan that shall comply with the Rules and Regulations for Professional Land Surveyors, Effective November 25, 2015.
2. That the Applicant shall submit a Preliminary Development Plan and Record Plat that shall comply with Appendix C, Major Subdivision/Land Development Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001, which shall include, at a minimum but not be limited to:
  - a. Note and protect all existing RI Highway Bounds and permanent survey markers.
  - b. Stormwater Management Plan, consistent with the 2010 RI Stormwater Design and Installation Standards, designed to demonstrate zero-net runoff.
  - c. Inclusion of Operations and Maintenance Plan.
  - d. Utilities shall be coordinated with the appropriate authority.
  - e. Address pavement encroachment onto abutting property.
3. That, prior to Preliminary Approval, the Applicant shall receive all State Permits, including, but not limited to RIDEM/RIDOT.
4. That, prior to Preliminary Submission, the Applicant shall receive a City Council Zone Change from Office and A-7 Residential to Office and A-7 Planning District Residential.

Mr. Bergantino, seconded by Mr. Catalano and Ms. Polselli, made a motion to adopt the Planning Department Findings and to grant a conditional Master Plan Approval with the Planning Department Stipulations, as amended. All in favor, none opposed.

#### **C. Recommendation to the City Council** **Request for a Zone Change from Office (O) and A-7 Residential to** **Office and A-7 Planned District Residential (PDR), with exemptions**

Location:	2907 Post Road
Assessor's Plat:	267
Assessor's Lots:	202
Applicant:	RWR Real Estate Investment Group, LLC
Existing Zone:	Office (O) and A-7 Residential
Proposed Zone:	Office (O) and A-7 Planned District Residential (PDR)
Area:	30,774 square feet
Ward:	7
Surveyor	Ocean State Planners, Inc.

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**PLANNING DEPARTMENT • THOMAS KRAVITZ, DIRECTOR**  
**3275 POST ROAD • WARWICK, RI 02886 • 401-738-2009**

Mr. K. Joseph Shekarchi, ESQ, Shekarchi Law Offices; Mr. Richard Bzdya, PLS, Ocean State Planners, Inc.; represented the Applicant who was seeking a Zone Change Recommendation from Office (O) and A-7 Residential to Office (O) and A-7 Planned District Residential (PDR). The Applicant is proposing to demolish the existing commercial Office building to allow for the development of an (8) eight unit multi-family residential development; with less than required land area, frontage, lot width, side-yard setbacks, and parking within 15' of a residential structure, in an Office (O) and A-7 Planned District Residential (PDR) Zoning District.

### **Planning Department Findings**

The Administrative Officer finds the proposal to be generally consistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City's Development Review Regulations, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*, as follows

1. That the proposed development is generally consistent with the City's Comprehensive Plan, having established high-density residential uses within the 200' radius. Consistent with Chapter 12 of the City of Warwick Comprehensive Plan, specifically, the section entitled “Future Land Use, Zoning and Urban Design: Goals and Policies,” which promotes developments “*that are safe, attractive, well-maintained and stable... ones designed to “protect... and support...existing residential neighborhoods;”*”
  - It further promotes... “*Public and private development that meet high standards of design by ensuring that proposed new residential development is compatible with the character and of the surrounding area;”*”
  - Chapter 12, Future Land Use, Section E, General Principles to Guide Future Land Use, Section H, Recommendations: Goal 6, Public and Provide Development Meets High Standards of Urban Design, Policy ....promote redevelopment of outmoded/blighted commercial or industrial properties.
  - Chapter 7 of the City of Warwick Comprehensive Plan addresses Housing and Neighborhoods, specifically within its “Recommendations” section lists as Goal 1, the City should work to provide “*a wide range of quality housing choices to meet the diverse needs of households at all income levels and all stages of the life cycle, by supporting the addition of compact housing types such as townhouses, lofts, apartments, cottage developments.....*”
2. That the City's Engineering Division, Sewer Authority, Water Division, Building Department, Fire Department, and Tax Assessor have reviewed the proposal and have no objection to the proposed zone change.

3. The Planning Department also finds the proposed zoning amendment to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose", specifically:

103.1 Promote the public health, safety and general welfare of the City.

103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflect current and future needs.

103.3 Provides for orderly growth and development, which recognizes:

- A) The goals and patterns of land use contained in the Comprehensive Plan of the City of Warwick
- B) The natural Characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface (water) or groundwater pollution
- E.) The availability and capacity of existing and planned public and/or private services and facilities

103.8 Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing, including opportunities for the establishment of low and moderate income housing.

103.10 Promote a high level of quality in design in the development of private and public facilities.

### **Planning Department Recommendations**

The Planning Department recommends a favorable recommendation to the City Council for a Zone Change from Office (O) and A-7 Residential to Office (O) and A-7 Planned District Residential (PDR), to allow for the development of an (8) eight unit multi-family residential development; with less than required land area, frontage, lot width, side-yard setbacks, and parking within 15' of a residential structure, in an Office (O) and A-7 Planned District Residential (PDR) Zoning District, with the following stipulation:

1. That the Zone Change shall take effect upon the Applicant receiving Preliminary and Final Approval by the City of Warwick Planning Board or its authorized designee.



Mr. Catalano, seconded by Ms. Polselli, having adopted the Planning Department's Findings and Recommendations, made a motion to forward a favorable Zone Change Recommendation to the City Council from Office (O) and A-7 Residential to Office (O) and A-7 Planned District Residential (PDR). To allow for the demolition of the existing commercial Office building to allow for the development of an (8) eight unit multi-family residential development; with less than required land area, frontage, lot width, side-yard setbacks, and parking within 15' of a residential structure, in an Office (O) and A-7 Planned District Residential (PDR) Zoning District. All in favor, none opposed.

**D.     Public Meeting**  
**Minor Subdivision**  
**Halliwell-Loring Road Plat**  
**Preliminary Approval**

Location:	39 Loring Road Mayette Avenue
Assessor's Plat:	332
Assessor's Lots:	404, 406, 407, 410, 411, & 412
Applicant:	Jon Halliwell
Zoning:	A-7 Residential
Land Area:	19,600 square feet
Ward:	4
Surveyor:	Alpha Associates, LTD

Mr. Harry Miller, RPLS, Alpha Associates, LTD, Mr. John Halliwell, Property Owner; represented the Project for Preliminary Approval of a Minor Subdivision. The Applicant proposed to reconfigure (6) six lots to create (2) two lots; (1) one 9,800 square foot lot with a pre-existing, non-conforming single-family dwelling, constructed in 1954, having less than required front-yard setbacks; and (1) one new 9,800 square foot lot for the development of a single-family dwelling; in an A-7 Residential Zoning District.

Mr. Catalano, made a motion, seconded by Ms. Polselli to open the public hearing. All in Favor, none opposed.

**Planning Department Findings**

The Administrative Officer finds the proposal to be generally consistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City's Development Review Regulations, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*, as follows:

1. That the proposed development is generally consistent with the Comprehensive Community Plan 2033, which supports Residential land uses in the general area; the proposal is generally consistent with the existing neighborhood, which consists of other single-family dwelling parcels within the 200' radius, and:
  - Chapter 12 of the City of Warwick Comprehensive Plan, specifically, the section entitled *"Future Land Use, Zoning and Urban Design: Goals and Policies,"* which promotes developments *"that are safe, attractive, well-maintained and stable... ones designed to "protect... and support...existing residential neighborhoods;"*
  - It further promotes... *"Public and private development that meet high standards of design by ensuring that proposed new residential development is compatible with the character of the surrounding area..."*
2. That the Subdivision, as proposed, is consistent with the general guidelines of the City's Zoning Ordinance.
3. That the land for development is not within 200' of a wetland and therefore there will be no significant negative environmental impacts from the proposed subdivision.
4. That the development, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
5. That the subdivision possesses adequate access along Loring Road and Mayette Avenue.
6. That the development, as proposed, will have access to Municipal Sewer and Water.

#### **Planning Department Recommendations**

Planning Department recommendation is to grant Preliminary Approval, with Final Approval through the Administrative Officer, upon compliance with the following stipulations:

1. That the Applicant shall submit a Final Development Plan and Record Plat that shall comply with the Rules and Regulations for Professional Land Surveying in the State of RI; Effective November 25, 2015.
2. That the Applicant shall submit a Final Development Plan and a Record Plat that shall comply with Appendix B, Minor Subdivision/Land Development Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001; which shall include, at a minimum, but not be limited to:

- The proposed shed location shall be revised to address concerns regarding the roof leader.
  - Note required Backflow Protection.
  - Removal of any existing cesspools, and sewer pipes.
  - Note the retention of Assessor's Lot No. 404 for the existing single-family dwelling lot and Assessor's Lot No. 407 for the proposing single-family dwelling lot.
3. That the Final Development Plan shall note landscaping, that shall depict, at a minimum, but not be limited to:
    - That viable existing trees, as determined by the City's Landscape Project coordinator, not directly impacted by the proposed single-family dwelling or other required infrastructure, shall be preserved and protected. Dripline tree protection shall be installed prior to the commencement of construction.
    - That the Final Development Plan shall note (1) one 2"-2.5" deciduous shade tree for every 50' of frontage along the existing and proposed lots. If due to construction constraints the Applicant is unable to install all required Landscaping, the Applicant/Developer shall pay a "Fee-in-Lieu" of Landscaping, prior to the Recording of the Record Plat.
  4. That the Applicant shall submit Final Development Plans that shall note all stipulations and conditions.
  5. That the City of Warwick Comprehensive Plan 2033, (Plan) Section 5, entitled "Parks, Open Space and Recreation" pgs. 5.13-5.16, Subsection, F, Recommendations Goal 2, calls to "preserve, maintain, and enhanced a broad range of neighborhood recreational facilities., in accordance with the aforementioned, the Applicant shall dedicate "Funds-In-Lieu of Open Space" equal to (1) one lot to the City of Warwick for Recreational District 2, prior to the recording of the Final Record Plat.
  6. That, the Applicant shall provide an Improvement Guarantee, as a condition of the approval, equal to the installation value of the cost of landscaping and monumentation, prior to the recording of the Record Plat.
  7. That, prior to the issuance of a Certificate of Occupancy, the Applicant shall install all Monumentation and Landscaping, as depicted on the Final Development Plan/Record Plat.

Ms. Cullion, seconded by Ms. Polselli and Mr. Catalano, made a motion to adopt the Planning Department Findings and to grant a Preliminary Plan Approval with the Planning Department Stipulations, as amended. All in favor, none opposed.

**E.     Public Informational Meeting**  
**Major Land Development Project**  
**0 Hallene Road**  
**Master Plan Approval Amendment**

Applicant:	NorthPoint Development
Owners:	NP Airport Road Warwick, LLC.
Location:	0 Hallene Road
Assessor's Plat:	311
Assessor's Lot:	138 & 191
Existing Lots:	Two (2)
Proposed Lots	One (1)
Zoning District:	Light Industrial (LI)
Area:	46.5 +/- acres
Ward:	3
Engineer:	VHB

Ms. Kerin Browning, ESQ and Ms. Tenessa Azar, ESQ; Moses Ryan, LTD; represented the Applicant who was requesting an amendment to an existing Master Plan approval of a Major Land Development Project to merge two (2) lots into one (1) and construct a warehouse/ distribution facility with associated parking, drainage, loading, landscaping and other related appurtenances, on the subject parcel.

The project was granted Master Plan approval by the Planning Board on February 10, 2021. The Applicant subsequently determined that zoning relief was required for the project due to the proposed height of the building which exceeds the zoning limitation in the Light Industrial (LI) district. Pursuant to RIGL § 45-23-61 the applicant must first obtain an advisory recommendation from the Planning Board, as well as Conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, in order to seek conditional Zoning Board relief, and then return to the Planning Board for subsequent required approval(s).

The Applicant is therefore requesting an amendment the Master Plan approval to a Conditional Master Plan approval with a recommendation to the Zoning Board of Review (ZBR) for a dimensional variance for greater-than-allowed building height (Section 302, Table 2B. Dimensional Regulations).

**Planning Department Findings**

The Administrative Officer recommends adopting the findings as approved by the Planning Board on February 10, 2021 and outlined in the decision letter recorded on February 29, 2021 (BK 9770, Pg. 138) with exception of amending finding #2 as follows:

1. That the proposal is not compliant with the all standards and provisions of the City's Zoning Ordinance in consideration of the following:
  - a. The project requires Zoning Board of Review approval for a dimensional variance pursuant to *TABLE 2B. DIMENSIONAL REGULATIONS* for greater-than-allowed building height in order to be compliant with the City's Zoning Ordinance and meet this required finding at the Preliminary Review phase.

### **Planning Department Recommendation**

The Planning Department recommends granting the amendment to the Master Plan approval to Conditional status with respect to the Zoning Board of Review approval for a dimensional variance and adopt the stipulations as approved by the Planning Board on February 10, 2021 and outlined in the decision letter recorded on February 29, 2021 (BK 9770, Pg. 138), except as amended herein.

Mr. Catalano, seconded by Ms. Cullion, made a motion to grant the amendment to the conditional Master Plan with the Planning Department Stipulations. All in favor, none opposed.

Mr. Catalano, seconded by Mr. Bergantino, made a motion to forward favorable recommendation to the City's Zoning Board of Review for a dimensional variance with no additional stipulations or provisions.

Director's report presented, no questions.

Ms. Bergantino, seconded by Mr. Catalano made a motion to adjourn at 7:50 pm. All in favor, none opposed.